

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12983, of Michael and Margaret Baylinson, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the first floor of the subject premises as a day care nursery consisting of ten children and three staff members in an R-1-B District at the premises 2016 Franklin Street, N.E. (Square 4215, Lot 801).

HEARING DATE: July 18, 1979
DECISION DATE: August 8, 1979

FINDINGS OF FACT:

1. The subject property is located on the north side of Franklin Street, N.E. east of 20th Street, and is in an R-1-B District.
2. The subject lot is fifty feet wide and 150 feet deep. It is improved with a three story and full basement detached house that is used as a single family dwelling. There is a large rear yard.
3. The applicant proposes to use the first floor of the premises as a day care nursery.
4. There will be fifteen children and three staff members. The children will come primarily from the neighborhood. The applicant is a registered nurse and resides on the subject premises. She will be one of the staff.
5. There will be no articles of commerce for sale on the subject premises.
6. The applicant testified that she had discussed the proposed use with neighboring property owners, and that the neighbors approved of her plans.
7. The premises provide more than 1500 square feet of play area.

8. There is parking on-site in a driveway to accommodate the staff.

9. The proposed use will be a neighborhood use, as conditioned herein by the Board.

10. Advisory Neighborhood Commission 5B made no recommendation on the application.

11. There was no opposition to the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant has substantially complied with Paragraph 3101.41 of the Zoning Regulations. The Board further concludes that the application can be granted as in harmony with the general purpose and intent of the Zoning Regulations, and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the FOLLOWING CONDITIONS:

1. There shall be a maximum of FIFTEEN children and THREE staff in attendance.
2. The majority of the children enrolled shall reside in the neighborhood.

VOTE: 4-0 (William F. McIntosh, Chloethiel Woodard Smith, Charles R. Norris and Leonard L. McCants to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 27 SEP 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.